IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25691 of 2007(H)

---

PETITIONER:

---

THOMAS C.A., AGED 60, S/O ANTONY,
PROP. HOLY CHOICE, ALSHMI BUILDINGS,
THRIPRAYAR, P.O.NATTIKA, THRISSUR DISTRICT.

BY ADV. SRI.K.RAMACHANDRAN
SMT.A.R.DIVYA

RESPONDENTS:

---

1. KERALA STATE ELECTRICITY BOARD,
REP. BY SECRETARY, VAIDHYUTHI BHAVAN,
THIRUVANANTHAPURAM.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION, K.S.E.B.,
TRIPRAYAR 680567.

3. ASSISTANT ENGINEER, -DO-

4. C.S.SASIDHARAN, S/O SANKARAN,
CHETTIPPARAMBIL HOUSE, P.O.EANGANDIYOOR,
(CHAVAKKAD TALUK), THRISSUR DISTRICT.

R1 TO R3 BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

---

W.P.C. NO. 25691 OF 2007

---

Dated this the 23rd day of August, 2007

JUDGMENT

Petitioner's case is that on complaint from the building owner, Ele. Board is disconnecting supply to petitioner's premises. Even though building owner is made party to this W.P., I feel WPC can be disposed of without hearing him because this Court does not propose to issue any adverse orders against the building owner. If the petitioner is in possession of the building whether as tenant or otherwise, petitioner can be evicted only under due process of law. If petitioner is in possession and enjoyment of the building, I see no reason why electricity connection should be denied to the petitioner. However, if the connection is in the name of the building owner and if he does not want to take any risk in the matter, it is for the Ele. Board to allow the building owner to exonerate himself from liability and then give connection to the petitioner. Since petitioner is already enjoying power connection there will be direction to the Ele. Board to give fresh connection to the petitioner on temporary basis or otherwise until

petitioner is evicted. Normal terms for connection will be applicable. However, connection should be given to the petitioner without any delay as he is already enjoying power supply. Connection so given will be subject to civil court orders or orders of eviction by any rent control authority. As and when petitioner is evicted, Ele. Board will dismantle connection in the name of the petitioner and restore it in the name of the fourth respondent.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge